

**Missouri Department of Natural Resources**  
**Regulatory Impact Report**  
**For**  
**Proposed Amendment to 10 CSR 80-9.035**

**Division/Program:** Environmental Quality / Solid Waste Management

**Rule number:** 10 CSR 80-9.035    **Rule title:** Waste Tire Clean-Up Contracts

**Type of rule:** Amendment

**Nature of the rule:**    Prescribes environmental standards  
                                 Reflects revised statutory language in Senate Bill No. 225

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Jim Hull, Director, Solid Waste Management Program

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Review and approval of the Final Regulatory Impact Report

Legal Counsel: \_\_\_\_\_ Date: \_\_\_\_\_

Division Director: \_\_\_\_\_ Date: \_\_\_\_\_

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**1. Does the rulemaking adopt rules from the US Environmental Protection Agency or rules from other applicable federal agencies without variance?**

No. This rulemaking stems solely from the authorizations in state law.

**2. A report on the peer-reviewed scientific data used to commence the rulemaking process.**

This rulemaking does not require review of peer-reviewed scientific data because the purpose of the rulemaking is to update portions of the rule to comply with Senate Bill 225 which provided preference to Missouri vendors bidding on scrap tire cleanup contracts let by the department for the removal or clean up of scrap tires. No environmental standards are proposed or modified.

**3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.**

The proposed amendment may impact businesses that bid on DNR contracts for scrap tire cleanups, especially out of state bidders who may be put at a competitive disadvantage. Missouri businesses will receive a benefit by receiving a competitive advantage over out of state businesses.

**4. A description of the environmental and economic costs and benefits of the proposed rule.**

The proposed amendment could increase scrap tire cleanup costs to the department by artificially inflating the winning bid average cost due to preference towards Missouri based businesses.

**5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.**

The Solid Waste Management Program does not expect other public agencies to incur additional costs to implement this proposed rulemaking. However, the Solid Waste Management Program could see an increase in costs associated with scrap tire dump cleanups. The proposed rulemaking will have no effect on state revenue.

**6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.**

No environmental impact is expected due to this proposed rulemaking. This proposed rule amendment addresses industry concerns about provisions in the current law and rule and is expected to have a positive economic impact for Missouri businesses involved in scrap tire cleanups. Failure to address industry concerns could result in a negative economic impact to Missouri businesses.

**7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.**

No other methods are available. This proposed rulemaking is the only scrap tire cleanup contract rule in Missouri.

**8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.**

This proposed rule amendment incorporates requirements included in SB 225 and addresses industry concerns about provisions in the current rule. Due to the requirements in SB 225, no other methods were reviewed. The proposed rulemaking incorporates the requirements set forth in SB 225.

**9. An analysis of both short-term and long-term consequences of the proposed rule.**

The proposed amendment may impact businesses that bid on DNR contracts for scrap tire cleanups, especially out of state bidders who may be put at a competitive disadvantage. The proposed amendment could increase scrap tire cleanup costs to the department.

**10. An explanation of the risks of human health, public welfare or the environment addressed by the proposed rule.**

There are no risks of human health, public welfare or the environment associated with the proposed rule. The proposed rulemaking does not propose or modify any environmental standards.

**11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information.**

Not applicable. The proposed rulemaking does not propose or modify any environmental standards.

**12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.**

Not applicable. The proposed rulemaking does not propose any environmental standards.

**13. A description of any significant countervailing risks that may be caused by the proposed rule.**

None known. The proposed rulemaking does not propose or modify any environmental standards.

**14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.**

Not applicable. There are no other state rules dealing with scrap tire cleanup contracts.

**15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.**

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed below.

Questions and/or comments may be sent to:

Chris Nagel  
Compliance and Enforcement Section Chief  
Missouri Department of Natural Resources  
Solid Waste Management Program  
P.O. Box 176  
Jefferson City, MO 65102-0176

Or

Call: (573) 751-5401

**16. Provide information on how to request a copy of comments or the web information where the comments will be located.**

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contact listed above or by accessing the Rules in Development section at web site [www.dnr.mo.gov/env/swmp/rulesdev.htm](http://www.dnr.mo.gov/env/swmp/rulesdev.htm) for this particular rulemaking.